

EXHIBIT E – Part 2

Edmund Bryan
April 21, 2008

<p style="text-align: right;">Page 29</p> <p>1 E. Bryan</p> <p>2 it off. Sorry. I'm sorry, sir, I</p> <p>3 apologize.</p> <p>4 MR. COHEN: It's all right.</p> <p>5 Q. The question I'm asking is, isn't</p> <p>6 it true that all you were being asked to do</p> <p>7 was not agree with it, not think that the</p> <p>8 supervisor was right; you were being asked to</p> <p>9 acknowledge that you received it and you</p> <p>10 received the expectations for the next</p> <p>11 appraisal period? That's all you were being</p> <p>12 asked to sign?</p> <p>13 A. In -- in writing that's what it</p> <p>14 says, sir.</p> <p>15 Q. Okay. Now, let me ask you since</p> <p>16 June of 2006 --</p> <p>17 A. Yes, sir.</p> <p>18 Q. -- has there been any change in</p> <p>19 your relationship with your fellow employees?</p> <p>20 A. Yes, sir.</p> <p>21 MR. SCOTT: Objection.</p> <p>22 Q. Yes?</p> <p>23 A. Yes, there has been.</p> <p>24 Q. There has been?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 31</p> <p>1 E. Bryan</p> <p>2 Q. What has been the change in your</p> <p>3 relationship with your fellow employees?</p> <p>4 A. Well, as I was saying, sir, it</p> <p>5 has, it has based on my -- it has improved.</p> <p>6 Q. Your relationship with your</p> <p>7 fellow employees has improved?</p> <p>8 A. Yes, I would say it has improved,</p> <p>9 sir.</p> <p>10 Q. How has it improved?</p> <p>11 A. Well, when I'm asked to train</p> <p>12 people, sir, I am not -- you know, I don't</p> <p>13 feel hesitant to offer my years of experience,</p> <p>14 you know, and advice to them, you know, as --</p> <p>15 I had been opposed to that in the past.</p> <p>16 Q. You do recall that at the hearing</p> <p>17 before the city commission, a number of your</p> <p>18 fellow employees testified about how difficult</p> <p>19 you are to get along with, do you recall that?</p> <p>20 I am not asking you whether you</p> <p>21 agree with them, I am just asking: Do you</p> <p>22 recall a number of employees testified about</p> <p>23 how difficult you are to get along with?</p> <p>24 A. I vaguely recall some employees</p> <p>25 may have said that, sir.</p>
<p style="text-align: right;">Page 30</p> <p>1 E. Bryan</p> <p>2 Q. Tell me what the change has been?</p> <p>3 A. As far as coming from me, sir.</p> <p>4 Q. As opposed to coming from you or</p> <p>5 coming from them, what change do you believe</p> <p>6 has taken place since June of 2006?</p> <p>7 A. I've contracted a service of Mr.</p> <p>8 Scott and his firm and based on his advice and</p> <p>9 legal counsel, I am allowing him to handle all</p> <p>10 my legal procedures and he's just told me just</p> <p>11 go into work and do your job and, you know,</p> <p>12 whatever is needed from you, just do your job.</p> <p>13 So I've been following my lawyer's advice and</p> <p>14 doing my job, sir.</p> <p>15 Q. All right. That is not the</p> <p>16 question I asked you.</p> <p>17 MR. COHEN: Can we read back the</p> <p>18 question.</p> <p>19 Q. Again, if you can listen to the</p> <p>20 question I asked, we can get done a lot</p> <p>21 quicker.</p> <p>22 A. Yes, sir.</p> <p>23 (Record read.)</p> <p>24 Q. That's what I'm asking.</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">Page 32</p> <p>1 E. Bryan</p> <p>2 Q. Can you identify any of the</p> <p>3 employees who testified in June of 2006 that</p> <p>4 you were difficult to get along with who would</p> <p>5 now testify that you are now easy to get along</p> <p>6 with?</p> <p>7 MR. SCOTT: Objection.</p> <p>8 A. I would say the only person still</p> <p>9 on the night shift from that proceeding is</p> <p>10 Rupert Gillette, sir. The others -- Michael</p> <p>11 Rodriguez is not the evening shift supervisor,</p> <p>12 Kenneth Williams now works the day shift in</p> <p>13 the OR. Who else? Yeah, um, those, Rupert</p> <p>14 Gillette, Michael Rodriguez, Kenneth Williams,</p> <p>15 sir.</p> <p>16 Q. Okay.</p> <p>17 A. And Rupert Gillette is the night</p> <p>18 shift supervisor, the others have left.</p> <p>19 Q. Are you still supervised by Mr.</p> <p>20 Gillette?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Has your relationship with Mr.</p> <p>23 Gillette improved?</p> <p>24 A. Yes, sir.</p> <p>25 Q. It has?</p>

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<p style="text-align: right;">Page 37</p> <p>1 E. Bryan</p> <p>2 MR. SCOTT: And you can be a</p> <p>3 little more specific with the phrasing</p> <p>4 of your question.</p> <p>5 MR. COHEN: Are you directing him</p> <p>6 not to answer?</p> <p>7 MR. SCOTT: Yes, I am. You can</p> <p>8 call the judge.</p> <p>9 MR. COHEN: I am not going to</p> <p>10 call the judge. I'll show the</p> <p>11 transcript to the judge. We will move</p> <p>12 on.</p> <p>13 Q. In terms of the jobs that you</p> <p>14 applied for the time that a job was posted,</p> <p>15 did it talk about good communication skills</p> <p>16 being an essential element of?</p> <p>17 A. It discussed having disciplinary</p> <p>18 actions and being written up for any -- any</p> <p>19 type of, you know, excessive absences or</p> <p>20 anything like that. You cannot have been</p> <p>21 given a verbal warning or anything of that</p> <p>22 sort within a certain time frame and you</p> <p>23 needed certain years of experience, sir.</p> <p>24 Q. It didn't say anything about good</p> <p>25 communication?</p>	<p style="text-align: right;">Page 39</p> <p>1 E. Bryan</p> <p>2 There is no way any man who is normal would</p> <p>3 live at home with his mother.</p> <p>4 Q. He continues to do that?</p> <p>5 A. He continues to make gay jokes,</p> <p>6 sir.</p> <p>7 Q. And you testified about those gay</p> <p>8 jokes he made at your hearing in June of 2006?</p> <p>9 A. Yes, jokes concerning -- whenever</p> <p>10 I walked into the room, he would make jokes</p> <p>11 about squeezing the Charmin, referring to --</p> <p>12 and I didn't know what that was at the time</p> <p>13 and co-workers told me that when I am not in</p> <p>14 the room, that he's talking about me. He says</p> <p>15 that, you know, I'm gay and I squeeze men's</p> <p>16 behinds.</p> <p>17 Q. You already testified to that in</p> <p>18 June of 2006.</p> <p>19 A. Yes. Yes, sir.</p> <p>20 Q. What other comments has he made</p> <p>21 since June 2006 that are any different than</p> <p>22 the comments he made before June of 2006?</p> <p>23 A. You mean -- he still made --</p> <p>24 derogatory comments about Jamaicans.</p> <p>25 Q. I was asking about your perceived</p>
<p style="text-align: right;">Page 38</p> <p>1 E. Bryan</p> <p>2 A. I don't recall that, sir. I</p> <p>3 believe that would be discussed face to face</p> <p>4 between John Meggs and I when I was speaking</p> <p>5 to him and we discussed that, sir.</p> <p>6 Q. Mr. Bryan, are you aware that Mr.</p> <p>7 Meggs and Mr. Gillette testified at your</p> <p>8 hearing before the City Commission on Human</p> <p>9 Rights that the reason why you were not</p> <p>10 promoted was because of your history of poor</p> <p>11 communication, lack of teamwork, do you recall</p> <p>12 that?</p> <p>13 A. I don't recall --</p> <p>14 Q. You don't recall that?</p> <p>15 A. I'm not saying it is not true,</p> <p>16 sir, I am just saying I don't remember their</p> <p>17 exact testimony, sir. I don't remember their</p> <p>18 exact testimony.</p> <p>19 Q. Now, can you explain to me why</p> <p>20 do you think you're not getting promotions</p> <p>21 after June 5, 2006 were due to your perceived</p> <p>22 sexual orientation?</p> <p>23 A. Mr. Gillette continues to make</p> <p>24 jokes about men who live at home with their</p> <p>25 mothers, who are over 40, that have to be gay.</p>	<p style="text-align: right;">Page 40</p> <p>1 E. Bryan</p> <p>2 sexual preference.</p> <p>3 A. My perceived sexual preference,</p> <p>4 sir?</p> <p>5 Q. Yes.</p> <p>6 A. From what I recall, the comment</p> <p>7 about men who are over 40 who still live at</p> <p>8 home with their mothers, they are gay.</p> <p>9 Q. Didn't you testify that he said</p> <p>10 that before June of 2006?</p> <p>11 A. Yes, but he repeated that.</p> <p>12 Q. He repeated it?</p> <p>13 A. Yes, in 2007.</p> <p>14 Q. And the reason you did not</p> <p>15 receive a promotion after June of 2006 was</p> <p>16 because you are perceived to be gay?</p> <p>17 MR. SCOTT: Objection.</p> <p>18 You can answer.</p> <p>19 A. He has his own perception of me</p> <p>20 and I can't speak for him, but he has a</p> <p>21 negative perception of me and he openly mocks</p> <p>22 me, sir.</p> <p>23 Q. Okay. Whether he has a negative</p> <p>24 perception, I am asking about your perceived</p> <p>25 sexual preference, okay?</p>

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<p style="text-align: right;">Page 41</p> <p>1 E. Bryan</p> <p>2 A. That one about the men over 40</p> <p>3 who live at home with their mothers, that's</p> <p>4 the one I recall, sir.</p> <p>5 Q. And he made that comment before</p> <p>6 June of 2006 as well?</p> <p>7 A. Right and then again in 2007,</p> <p>8 sir.</p> <p>9 Q. And again in 2007?</p> <p>10 A. Yes.</p> <p>11 Q. What else makes you believe that</p> <p>12 you have not received promotions because of</p> <p>13 your perceived sexual preference?</p> <p>14 A. Well, he still talks about people</p> <p>15 who he believes are gay, sir, and I mean he</p> <p>16 has -- you know, he isolates people in the</p> <p>17 hospital, members of staff of the hospital and</p> <p>18 he discusses them and he talks about them.</p> <p>19 Q. But none of them are applying for</p> <p>20 promotions. I am asking about you.</p> <p>21 MR. SCOTT: Objection.</p> <p>22 Q. I am asking about you. What</p> <p>23 makes you think, other than what you testified</p> <p>24 to already, that the reason you haven't</p> <p>25 received a promotion is because you are</p>	<p style="text-align: right;">Page 43</p> <p>1 E. Bryan</p> <p>2 A. Well, other than the fact that</p> <p>3 he's repeated those comments?</p> <p>4 Q. Yes, other than that.</p> <p>5 A. He still has an open bias towards</p> <p>6 gays, but he's made that comment in regard to</p> <p>7 me, sir, and that's that.</p> <p>8 Q. Okay. What makes you believe</p> <p>9 that you have not received a promotion since</p> <p>10 June of 2006 because of your national origin?</p> <p>11 A. He has made several derogatory</p> <p>12 jokes along with Kevin O'Connor and a TRE</p> <p>13 instrument repair technician, Miquel Ruiz,</p> <p>14 Jamal Robinson and, you know, the reason</p> <p>15 Jamaicans are so crazy is because of all the</p> <p>16 spicy food we eat.</p> <p>17 You should take January 2007,</p> <p>18 they stood around and say, you know, we can</p> <p>19 solve the Jamaican problem once and for all,</p> <p>20 we should put all the Jamaicans on top of a</p> <p>21 high mountain covered with snow and give them</p> <p>22 one shovel and leave them there.</p> <p>23 Q. Who said that?</p> <p>24 A. Rupert Gillette and Kevin</p> <p>25 O'Connor.</p>
<p style="text-align: right;">Page 42</p> <p>1 E. Bryan</p> <p>2 perceived to be gay?</p> <p>3 A. Well, he repeated that comment.</p> <p>4 Q. I said other than what you</p> <p>5 testified to already. I'm asking, is there</p> <p>6 anything else besides that that makes you</p> <p>7 believe you are being denied a promotion</p> <p>8 because you are perceived to be gay?</p> <p>9 A. Well, he's repeated his past</p> <p>10 comments.</p> <p>11 Q. I just said other than that.</p> <p>12 Other than that, is there anything else that</p> <p>13 makes you believe that you are not getting a</p> <p>14 promotion because you are perceived to be gay?</p> <p>15 A. Within the context of sexual</p> <p>16 orientation, you are saying?</p> <p>17 Q. I don't know how much clearer I</p> <p>18 can make it.</p> <p>19 MR. SCOTT: Objection.</p> <p>20 Q. Other than what you've testified</p> <p>21 to --</p> <p>22 A. Right.</p> <p>23 Q. -- what else, if anything, makes</p> <p>24 you believe you have not received a promotion</p> <p>25 because you are perceived to be gay?</p>	<p style="text-align: right;">Page 44</p> <p>1 E. Bryan</p> <p>2 Q. Is Rupert Gillette an employee of</p> <p>3 Memorial Sloan-Kettering?</p> <p>4 A. He's contracted to perform</p> <p>5 services for Memorial.</p> <p>6 Q. Is he an employee of Memorial</p> <p>7 Sloan-Kettering?</p> <p>8 MR. SCOTT: Objection.</p> <p>9 A. He is a subcontractor and he is</p> <p>10 authorized to enter the premises and be there.</p> <p>11 Q. So am I. Am I an employee of</p> <p>12 Memorial Sloan-Kettering, Mr. Bryan?</p> <p>13 Is he an employee of Memorial</p> <p>14 Sloan-Kettering?</p> <p>15 A. Does he have an ID that says</p> <p>16 MSKCC? No.</p> <p>17 Q. Is he a manager at Memorial</p> <p>18 Sloan-Kettering?</p> <p>19 A. No, he is not.</p> <p>20 Q. Other than that, what makes you</p> <p>21 believe that the reason you haven't received a</p> <p>22 promotion is because of your national origin?</p> <p>23 A. Well, I mean, he's displayed that</p> <p>24 bias before and after the hearings, he</p> <p>25 displayed it again, sir.</p>

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<p style="text-align: right;">Page 45</p> <p>1 E. Bryan</p> <p>2 Q. So this is something that you</p> <p>3 already testified to at the first hearing, at</p> <p>4 the hearing before the city commission, that</p> <p>5 he had a bias against Jamaicans?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And do you believe that he has</p> <p>8 the same bias that he had before the hearing</p> <p>9 after the hearing?</p> <p>10 A. Yes.</p> <p>11 Q. Anything else you are perceiving</p> <p>12 that Mr. Gillette has a bias against</p> <p>13 Jamaicans?</p> <p>14 A. Only what I've said to you, sir.</p> <p>15 Q. Who makes the decisions about</p> <p>16 promotions?</p> <p>17 A. I believe once you interview with</p> <p>18 John Meggs --</p> <p>19 Q. Yes.</p> <p>20 A. -- he receives input directly</p> <p>21 from Rupert.</p> <p>22 Q. Do you know for a fact who makes</p> <p>23 the decision to promote at Memorial</p> <p>24 Sloan-Kettering in your department?</p> <p>25 A. Um --</p>	<p style="text-align: right;">Page 47</p> <p>1 E. Bryan</p> <p>2 Q. That is a presumption you are</p> <p>3 making, you do not know for a fact?</p> <p>4 A. Well --</p> <p>5 Q. Do you know it for a fact or are</p> <p>6 you assuming that is the case?</p> <p>7 MR. SCOTT: Objection. Let him</p> <p>8 answer the question.</p> <p>9 A. I am merely saying that he has</p> <p>10 input in the process, sir.</p> <p>11 Q. How do you know that he has input</p> <p>12 in the process?</p> <p>13 A. Because he is my direct</p> <p>14 supervisor and writes my evaluation.</p> <p>15 Q. And is that your basis for him</p> <p>16 having input --</p> <p>17 A. Yes.</p> <p>18 Q. Anything else that leads you to</p> <p>19 believe that he has input to promote --</p> <p>20 A. Him and John Meggs are very good</p> <p>21 friends, sir.</p> <p>22 Q. They are very good friends.</p> <p>23 Anything else that makes you believe that?</p> <p>24 A. Um --</p> <p>25 Q. Has John Meggs had dealings with</p>
<p style="text-align: right;">Page 46</p> <p>1 E. Bryan</p> <p>2 Q. Have you been privy to any</p> <p>3 conversations or to the process by which the</p> <p>4 head of the department decides who to promote?</p> <p>5 MR. SCOTT: Objection.</p> <p>6 A. No, I have not be privy.</p> <p>7 Q. What knowledge do you have as to</p> <p>8 who makes the decision to promote?</p> <p>9 A. Well, Rupert Gillette is my</p> <p>10 direct supervisor so his input, he's</p> <p>11 written -- John Meggs wrote one evaluation on</p> <p>12 me and since then, Rupert has written all</p> <p>13 these other evaluations. John Meggs only did</p> <p>14 one evaluation his first year there. All the</p> <p>15 evaluations presented at this table were</p> <p>16 written by Rupert Gillette.</p> <p>17 Q. I am going to ask you again.</p> <p>18 MR. COHEN: Can you read the</p> <p>19 question back?</p> <p>20 (Record read.)</p> <p>21 A. As I said, Rupert Gillette has</p> <p>22 been writing my evaluations and he is my</p> <p>23 direct supervisor. So if he is writing my</p> <p>24 evaluations, he has a tremendous input in that</p> <p>25 decision, sir.</p>	<p style="text-align: right;">Page 48</p> <p>1 E. Bryan</p> <p>2 you over the years?</p> <p>3 A. In what capacity, sir?</p> <p>4 Q. In your capacity of being an</p> <p>5 employee in his department.</p> <p>6 A. I made several complaints to him</p> <p>7 regarding the treatment that I received from</p> <p>8 Rupert Gillette.</p> <p>9 Q. Has he had discussions with you</p> <p>10 over the years?</p> <p>11 A. Regarding all aspects of things,</p> <p>12 including me reporting problems and stuff like</p> <p>13 that?</p> <p>14 Q. Yes.</p> <p>15 A. Yes.</p> <p>16 Q. And are you aware that Mr. Meggs</p> <p>17 testified at the hearing in June of 2006 that</p> <p>18 he finds you to be incredibly argumentative?</p> <p>19 A. I don't, I don't recall that</p> <p>20 direct statement, sir. I don't recall that.</p> <p>21 Q. You don't?</p> <p>22 A. No.</p> <p>23 Q. Do you recall Mr. Meggs</p> <p>24 testifying that you have a history of not</p> <p>25 getting along with supervisors and with</p>

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1 E. Bryan
2 co-workers?
3 A. I don't recall that exact
4 statement, sir, no.
5 Q. Do you recall your own testimony
6 that there has not been a single supervisor
7 who you have worked with at Memorial
8 Sloan-Kettering that you didn't complain
9 about?
10 A. I don't recall that, sir.
11 Q. You don't recall that?
12 A. I don't recall that, sir.
13 Q. Which supervisor did you have at
14 Memorial Sloan-Kettering that you got along
15 with, that you didn't complain about?
16 A. I have a right to complain if
17 somebody does something to me, sir.
18 Q. I didn't say you didn't. I am
19 just asking, what supervisor did you ever work
20 for that you didn't have any complaints about?
21 A. Well, if I feel that a supervisor
22 treated me unfairly, sir, I reported that to
23 human resource.
24 Q. I understand that, but I'll ask
25 the question again. Can you name a supervisor

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1 E. Bryan
2 who you did not make complaints about?
3 A. No, sir, I believe at some point
4 that some situation occurred that made it
5 necessary for me to report an incident to
6 human resources.
7 Q. About every single supervisor
8 you've worked for?
9 A. Yes, sir.
10 Q. Okay.
11 Now, you are also claiming that
12 there is a hostile work environment?
13 A. Yes, sir.
14 Q. And other than what you've
15 testified to about the comments that you said
16 Mr. Gillette made about your perceived sexual
17 orientation, what other things have
18 contributed to a hostile work environment
19 based on your perceived sexual orientation?
20 A. Sexual orientation, sir?
21 Q. Yes.
22 A. Only the comments that I've
23 reported to you, sir.
24 Q. Okay. By the way, are you gay?
25 A. No, I am not, sir.

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1 E. Bryan
2 Q. Did you testify at your hearing
3 in June of 2006 that you are not gay?
4 A. I don't recall -- I don't
5 remember that exact -- the whole exact
6 procedure, sir. I don't remember all the
7 comments that were made.
8 Q. You don't remember testifying
9 that you are not gay?
10 A. Sir, I don't remember every
11 question that was asked, sir.
12 Q. So your answer is no, you don't
13 remember?
14 A. I don't recall, sir.
15 Q. Do you remember every single
16 employee who testified at the hearing,
17 including people who testified on your behalf,
18 testifying that they didn't think you were
19 gay, do you remember that?
20 A. I remember people testifying on
21 my behalf and people testifying for the
22 hospital, but --
23 Q. Can you identify one person who
24 testified at your hearing that they thought
25 you were gay?

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1 E. Bryan
2 A. I don't believe anyone said that,
3 sir.
4 Q. No one said that. In fact,
5 didn't everyone testify that no one thought
6 you were gay?
7 A. Well, sir, it is not that they
8 think I am gay, sir. It is that they treated
9 me and demeaned me with conduct as if I were a
10 homosexual, sir.
11 Q. But it doesn't mean they believed
12 you were a homosexual.
13 A. They treated me that way.
14 Q. Not they treated you that you as
15 if you were a homosexual, but that they
16 believed you were a homosexual?
17 MR. SCOTT: Objection.
18 A. I can only say what I see coming
19 from a person directed towards me, and that
20 behavior was the bias that would be directed
21 at someone who was gay, sir.
22 Q. Are these the same allegations
23 that you raised in June of 2006 at your
24 hearing?
25 A. They repeated themselves, sir.

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<p style="text-align: right;">Page 53</p> <p>1 E. Bryan</p> <p>2 Q. I understand. Are they the same</p> <p>3 allegations that you raised in your hearing of</p> <p>4 June 2006?</p> <p>5 A. In the same context, sir.</p> <p>6 Q. Didn't the judge already find</p> <p>7 that nobody believes you to be gay?</p> <p>8 MR. SCOTT: Objection.</p> <p>9 A. The idea is not what people think</p> <p>10 I am, sir, but the way that I was treated,</p> <p>11 sir.</p> <p>12 Q. I see. Okay.</p> <p>13 Other than the incident that</p> <p>14 you've already related about, you know, being</p> <p>15 Jamaican and the comments about Jamaicans,</p> <p>16 what other things have contributed to your</p> <p>17 hostile work environment based on national</p> <p>18 origin?</p> <p>19 A. I've been mocked by Jamal</p> <p>20 Robinson.</p> <p>21 Q. How have you been mocked by Jamal</p> <p>22 Robinson?</p> <p>23 A. He made the comment that</p> <p>24 Jamaicans are crazy because we all eat spicy</p> <p>25 food and Rupert jumped in and said yeah, yeah,</p>	<p style="text-align: right;">Page 55</p> <p>1 E. Bryan</p> <p>2 Q. Is he Jamaican?</p> <p>3 A. I believe he is, sir, yes.</p> <p>4 Q. Do you know whether or not he's</p> <p>5 made comments, he's exchanged jokes with other</p> <p>6 people about his being Jamaican?</p> <p>7 MR. SCOTT: Objection.</p> <p>8 A. I've not be involved in</p> <p>9 conversations with him and other people, sir.</p> <p>10 Q. Does he work in your department?</p> <p>11 A. He works for the building service</p> <p>12 department, sir, and he maintains the</p> <p>13 cleanliness of our work environment. He</p> <p>14 cleans the department, sir.</p> <p>15 Q. Okay. You also claim that you</p> <p>16 are being retaliated against because you filed</p> <p>17 the complaint with the city commission; is</p> <p>18 that correct?</p> <p>19 A. Yes, sir.</p> <p>20 Q. What makes you believe you are</p> <p>21 being retaliated against because you filed a</p> <p>22 complaint with the city commission?</p> <p>23 A. Well, following the filing of the</p> <p>24 complaint, as I said all these, all these --</p> <p>25 Q. Evaluations?</p>
<p style="text-align: right;">Page 54</p> <p>1 E. Bryan</p> <p>2 yeah, that's true. That carried on that</p> <p>3 conversation.</p> <p>4 Q. Any other conversations aside</p> <p>5 from that conversation?</p> <p>6 A. The one with Kevin O'Connor,</p> <p>7 Miquel Ruiz, about Jamaicans ending the</p> <p>8 Jamaican problem by putting us on a</p> <p>9 snow-covered mountain.</p> <p>10 Q. Anything else?</p> <p>11 A. Within that frame sir, no.</p> <p>12 Q. Okay. Are you the only Jamaican</p> <p>13 who works in the department?</p> <p>14 A. Within central processing?</p> <p>15 Q. Yes.</p> <p>16 A. On my shift or the department?</p> <p>17 Q. The department.</p> <p>18 A. No, sir, I am not.</p> <p>19 Q. Are you the only Jamaican on your</p> <p>20 shift?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Is there an employee named Lennox</p> <p>23 Ewirse, E-W-R-S-E?</p> <p>24 A. I don't know his last name, but I</p> <p>25 know Lennox.</p>	<p style="text-align: right;">Page 56</p> <p>1 E. Bryan</p> <p>2 A. -- evaluations have been</p> <p>3 negative.</p> <p>4 Q. Weren't the evaluations also</p> <p>5 negative before you filed with the city</p> <p>6 commission?</p> <p>7 A. No, I have not had a problem with</p> <p>8 Jim Appollo, the previous manager.</p> <p>9 Q. That is not the question I asked</p> <p>10 you. Didn't you receive negative comments on</p> <p>11 your evaluations before you filed with the</p> <p>12 city commission?</p> <p>13 A. My attorney, Sam Landau, spent</p> <p>14 several months contacting human resources. So</p> <p>15 there was a period of time he was contacting</p> <p>16 the human resources to discuss my situation.</p> <p>17 During that length of time, you know, he was</p> <p>18 unable to contact anyone at human resources,</p> <p>19 then we moved on to filing the complaint with</p> <p>20 the city commission. During that time, one of</p> <p>21 these evaluations may have occurred, sir.</p> <p>22 Q. Well, the evaluations will speak</p> <p>23 for themselves, but isn't it true before you</p> <p>24 filed with the city commission, you had</p> <p>25 negative evaluations?</p>

14 (Pages 53 to 56)

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1 E. Bryan
2 A. I can't say that I am sure of
3 that, sir.
4 Q. You are not sure of that. You
5 filed with the city commission in 2002; is
6 that correct?
7 A. I would have to refer back to the
8 documents, sir, but 2000-something, sir.
9 Q. And that would have been before
10 your hearing in June of 2006?
11 A. Yes, sir.
12 Q. And did you allege that you were
13 being retaliated against in June of 2006
14 because you filed a complaint with the city
15 commission?
16 A. Yes, sir.
17 Q. You did?
18 A. Yes, sir.
19 Q. Anything other than what you've
20 testified for believing you are being
21 retaliated against because you filed with the
22 city commission?
23 A. In what way, sir?
24 Q. In any way. How are you being
25 retaliated against because you filed with the

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1 E. Bryan
2 city commission?
3 A. I've been ridiculed by other
4 co-workers in the presence of Rupert Gillette.
5 Q. Did that take place before June
6 2006?
7 A. After 2006.
8 Q. You didn't testify that you were
9 ridiculed before.
10 A. Oh, you want information before
11 2006?
12 Q. I am asking.
13 A. Kenneth Williams made several
14 derogatory comments about Jamaicans and he
15 would often use a Jamaican accent to curse and
16 tell jokes of that nature.
17 Q. Yes, this was before June of
18 2006?
19 A. Right, sir.
20 Q. Right.
21 A. And on one occasion I had asked
22 him to stop, and he threatened to physically
23 punch me in the face. I stopped, I left him
24 alone. On my lunchtime, I went to the
25 security department and I reported the

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1 E. Bryan
2 incident. They called Rupert Gillette. He
3 spoke to the supervisor in the security
4 department and they sent me home.
5 Q. What has happened after 2006,
6 June of 2006, that makes you believe you are
7 being retaliated against?
8 A. Well, in June 2007 he openly --
9 Q. Who is "he"?
10 A. Rupert Gillette -- sorry.
11 Q. Okay.
12 A. -- held a staff meeting and he
13 opened up an instrument set I prepared and he
14 put it on the table and he told everyone that
15 it was sloppy and unprofessional.
16 Q. Yes.
17 A. And in August of 2007, an
18 employee asked me about the availability of an
19 instrument. I was not in the direct area
20 where instrument sets were being prepared, I
21 was in another area of the department, so
22 basically I directed him to where he could
23 find replacement instruments. He placed
24 something else in his instrument set, sir.
25 Q. Who did?

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1 E. Bryan
2 A. John Boafu.
3 Q. Is he a manager?
4 A. No, he is a co-worker and he
5 placed, I believe, a daVinci needle holder
6 that was not in the set into the set and the
7 operating room sent back his work, brought it
8 to the attention of Rupert Gillette. And
9 Rupert Gillette spoke to him and he gave
10 Rupert Gillette the impression that I told him
11 to put that instrument into his set and he
12 called me incompetent in front of the night
13 shift, sir.
14 Q. Who called you incompetent?
15 A. Rupert Gillette.
16 Q. Based on the information this
17 other person had given him?
18 A. Yes, sir.
19 Q. Any other examples that you were
20 being retaliated against because you filed
21 your city commission complaint?
22 A. Now before 2006, sir?
23 Q. After June 2006. You've already
24 testified to that.
25 A. Oh, the degrading comments

15 (Pages 57 to 60)